

H.271

Introduced by Representatives Howard of Rutland City, Andrews of Rutland

City, Courcelle of Rutland City and Fagan of Rutland City

Referred to Committee on

Date:

Subject: Crimes; unlawful trespass; municipal government; powers;

uninhabitable buildings

Statement of purpose: This bill proposes to: (1) imprison or fine an individual for unlawful trespass if he or she remains in a building following notice by a municipal building inspector, health officer, or fire marshal who has determined that the building is uninhabitable; (2) empower municipalities to discontinue municipal services to uninhabitable buildings; and (3) place a lien on property with an uninhabitable building for expenses relating to the maintenance of the building.

An act relating to uninhabitable buildings

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the

1 person in lawful possession, ~~he~~ the person enters or remains on any land or in
2 any place as to which notice against trespass is given by:

3 (1) Actual communication by the person in lawful possession or his or
4 her agent or by a law enforcement officer acting on behalf of such person or
5 his or her agent, or by a municipal building inspector, health officer, or fire
6 marshal who has determined that a building is uninhabitable; or

7 (2) Signs or placards so designed and situated as to give reasonable
8 notice.

9 * * *

10 (e) For the purpose of subdivision (a)(1) of this section, “municipal
11 official” shall mean a municipal building inspector, health officer, or fire
12 marshal.

13 Sec. 2. 24 V.S.A. § 2291 is amended to read:

14 § 2291. ENUMERATION OF POWERS

15 For the purpose of promoting the public health, safety, welfare, and
16 convenience, a town, city, or incorporated village shall have the following
17 powers:

18 * * *

19 (23) Upon a determination by a municipal building inspector, health
20 officer, or fire marshal that a building within the boundaries of the town, city,
21 or incorporated village is uninhabitable, to request a utility to disconnect gas,

1 electric, or water services provided to the building, and the utility shall do so
2 notwithstanding any other provision of law to the contrary. Upon such a
3 determination, the town, city, or incorporated village shall be able to recover
4 all expenses incident to the maintenance of the uninhabitable building, and
5 these expenses shall constitute a lien on the property in the same manner and to
6 the same extent as taxes assessed on the grand list of a municipality, and all
7 procedures and remedies for the collection of taxes shall apply to the collection
8 of those expenses.